THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8564 of 2006

28.04.2006

Between:

Syed Manzoor Mukthadar.

… Petitioners

AND

The Revenue Divisional Officer, Chevella Division, Ranga Reddy District and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8564 of 2006

ORDER:

The petitioner allegedly purchased the land admeasuring Acs.3.00 in Survey No.632/Kha situated at Chilukuru Village, Moinabad Mandal, Ranga Reddy District, under a registered sale deed dated 10.03.1989. He was issued a show cause notice under Rule 3 of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977, alleging that he is in possession of the land in contravention of Section 3(2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977. The said notice was allegedly served on the workers of the petitioner. The petitioner assailed the said action by filing a writ petition, being W.P.No.24249 of 2005, *inter alia,* contending that no notice was served on the petitioner and that the land purchased by him is not assigned land. This Court disposed of the said writ petition by order dated 17.11.2005 giving liberty to the petitioner to file an appeal before the Revenue Divisional Officer, while ordering *status quo*. The Revenue Divisional Officer now passed orders in proceedings bearing Lr.No.D/4151/2005, dated 25.01.2006, resuming the land. This is assailed in this Writ Petition.

After hearing the learned Counsel for the petitioner and the learned Assistant

Government Pleader for Revenue (Assignment), this Court is convinced that the appellate authority did not decide the appeal as required under law. A reference was made to the written arguments allegedly filed by the petitioner. Curiously, the written arguments are in relation to another case, not at all concerned with the appeal before the Revenue Divisional Officer. This would show that the order passed by the Revenue Divisional Officer is erroneous and requires a fresh consideration. As the matter involves questions of fact, this Court is not inclined to go into the same in this writ petition at this stage.

In the result, for the above, the impugned order is set aside and the matter is sent back to the Revenue Divisional Officer, Chevella Division, Ranga Reddy District, for a fresh consideration. Needless to mention that the Revenue Divisional Officer shall issue notice to the petitioner informing the date of hearing and then consider the appeal before passing orders. This exercise may be completed within a period of six weeks from the date of receipt of a copy of this order. Till then, there shall be *status quo.*

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

28.04.2006

vs